

COMMUNITY FORUM --LIST OF ISSUES PRESENTED- RESPONSE TO RECODE KNOXVILLE, 5-10-18

TOPICS:

- (1): ACCESSORY DWELLING UNIT (ADU): Accessory Structures and Uses, Article 10, 10.3, page 10-4
- (2): HOME OCCUPATION: Accessory Structures and Uses, Article 10, 10.3, page 10-9
- (3): DAY CARE HOME, DAY CARE CENTER, PRE-SCHOOL/KINDERGARTEN: Permitted Uses: Article 9, 9.3, page 9-4,
- (4): PLANNED DEVELOPMENT, (PD): Article 15, 15.6, page 15-12.
- (5): HILLSIDE AND RIDGETOP PROTECTION
- (6): ANIMAL CARE FACILITY-SMALL: Article 9, 9.3, page 9-3.
- (7): ANCILLARY vs. ACCESSORY USES AND STRUCTURES: Article 2, 2.3, page 2-2 and Article 10, 10.3, page 10-4.
- (8): MORE THAN ONE PRINCIPAL USE ON A "SITE": Article 9, 9.1, page 9-1.
- (9): SPECIAL USE: Article 15, 15.2, page 15-4.
- (10): ROLE OF LEGALLY-MANDATED ADOPTED COMPREHENSIVE PLAN
- (11): HEALTH FACILITIES AND LIVING FACILITIES: Article 2, 2.3.
- (12): PERSONAL SERVICE ESTABLISHMENT--COLLECTION FACILITY vs. INDUSTRIAL LAUNDRY/DRY CLEANING ESTABLISHMENT: Article 2, 2.3, page 2-13.

TOPIC (1): ACCESSORY DWELLING UNIT (ADU): Accessory Structures and Uses

ISSUES PRESENTED:

1. Should Accessory Dwelling Units (ADU) be allowed, as proposed, in the existing Low Density R-1, R-1E, EN-1 and EN-2 zoning districts (Proposed RN-1 and EN zoning districts)?
2. Are the Standards in **Article 10, 10.3 B. (1) and B. (5). page 10-4**, adequately defined? Do they provide too much discretion to the City Building Official? Specifically, the words in **B. (1) "practical difficulties"** and in **B. (5) "unless warranted by the circumstances of the particular building"** appear to provide giant loopholes, including the ability to increase the size of the ADU. This give too much authority for one person to in essence grant variances from the Standards.
3. Is it appropriate to increase the density above Low Density, (defined as less than 6 dwelling units per acre) by allowing ADUs in Low Density density residential districts as a right of all owners?
4. How different is the impact of a duplex in Low Density residential from an ADU in Low Density residential?
5. Why are duplexes and ADUs treated so differently in RN-1--duplex requires a Special Use permit (Use on Review), ADU is a use by right?

TOPIC (2): HOME OCCUPATION: Accessory Structures and Uses

ISSUES PRESENTED:

1. Should the standards for HOME OCCUPATION include the clear Standards from the existing zoning Ordinance?
2. Should an updated list of examples of permitted or prohibited Home Occupations be included in the Standards?

TOPIC (3): DAY CARE HOME, DAY CARE CENTER, PRE-SCHOOL/KINDERGARTEN: Permitted Uses

ISSUES PRESENTED: DAY CARE HOME

1. For Day Care Homes permitted by right in all residential zoning districts, should the number of children or adults allowed be limited to fewer than 6 unrelated persons, as in the present zoning ordinance?

2. For Day Care Homes caring for 6 or more unrelated children or adults, should a Special Use permit (Use on Review) be required, and standards specified, as in the present zoning ordinance and the 2018 One Year Plan, page 21?
3. Should Knoxville rely solely on the State's standards, as proposed in the new ordinance?

ISSUES PRESENTED: DAY CARE CENTER

1. Is there a need to clarify Day Care Centers as a permitted use vs. an accessory use, in various settings? 2. Is there a need to include Day Care Centers as a Permitted Use, or an Accessory Use in the proposed IOP District (Proposed Industrial Office Park, present O-3, Office Park) and the proposed I-RD District (Proposed Research and Development, present O-2, Civic and Institutional District)?
3. Is a Day Care Center serving only the children of employees considered an Accessory Use?
4. Is a Day Care Center located in a church but serving the general community, not just church members during church functions, considered an Accessory Use? An Ancillary Use? A Principal Use?
5. Should there be additional standards?
6. Should the definition of Day Care Center, Article 2, 2.3, page 2-6, be reworded to: "Day Care Center. A facility where, for a portion of a 24 hour day, care and supervision is provided in a protective setting for children or elderly and/or functionally impaired adults that are not related to the owner or operator."?

ISSUE PRESENTED: PRE-SCHOOL/KINDERGARTEN

1. Should locational standards for placing pre-schools/kindergartens in residential zoning districts as a Special Use, be included?

TOPIC (4): PLANNED DEVELOPMENT (PD):

ISSUE PRESENTED: 1. Should Planned Developments be initiated by Government as well as by private property owners?

- ISSUES PRESENTED:** 1. To what extent can use exceptions be granted?
 2. Should there be standards for defining "excessive adverse impact"?

ISSUE PRESENTED: Should the documents (plans) specifying "**adopted City land use policies**" be cited?

- ISSUES PRESENTED:** 1. What is the rationale for this new approach to planned development and new procedure?
 2. What is gained by this new approach? Who benefits and who is potentially harmed?

- ISSUES PRESENTED:** 1. Why is the Concept Plan optional, not mandatory? 2. If it remains optional, why is there no required notice to the public? 3. Why is there not a public hearing rather than meeting?
 4. Will the public meeting be the regular monthly MPC meeting, or the Agenda Review Meeting or a special meeting? 5. Does this meeting involve "deliberation" by the Commissioners and, therefore, even though a decision is not being made at the meeting, fall under the State Open Meeting Law?
 6. What is the advantage of less public participation? 7. What is the advantage of limiting public participation to a later phase of the process?

ISSUE PRESENTED: Is public involvement meaningful at the Preliminary Plan stage, or have private discussions within government in the first two stages already determined the essential characteristics of the development?

ISSUE PRESENTED: 1. Will there be sufficient notice to the public in advance of the public hearing?

ISSUE PRESENTED: 1. What do the words "generally been met" mean?

ISSUES PRESENTED: 1. For standard v., should there be any guidance to determine when a traffic study will be done, which level of study will be done, and who will pay for the traffic study?

2. For standard vi., should approval of the Preliminary Plan also require a standard that the **proposed uses be compatible with the neighborhood** where the Planned Development is proposed, not just require that the structures, parking areas, etc., are compatible with the surrounding neighborhood?

ISSUES PRESENTED: 1. Is there a limit on the number of times an extension can be granted?

2. Is there a limit on the total number of years an extension can be granted and the preliminary plan remain valid?

3. Is there a limit on the length of time of the "phasing plan"?

4. How does City Council approve an extension without a public hearing?

ISSUES PRESENTED: 1. **Article 15, 15.6, 4. F2., page 15-16, Minor Modifications" by MPC Commissioners. "No notice is required for a minor modification."** Why no public notice?

ISSUES PRESENTED AND QUESTIONS: 1. Does the **Article 15, 15.6, G. Appeal, pages 15-18 and 15-19, the Planned Development, flow chart**, need to be expanded to illustrate the appeal of a decision of City Council on the Preliminary Plan and the appeal of the decision of MPC on the Final Plan?

2. Should there be a flow chart illustrating the decision-making processes related to the three levels of requested Final Plan modifications?

3. Should there be a flow chart illustrating the appeal processes of the decisions regarding Final Plan modification requests, from the various entities?

3. Regarding the **Final Plan**, can an aggrieved party, applicant or neighbor, appeal the MPC decision on a Final Plan to City Council? (**See Article 15, 15.11, Zoning Appeals of Administrative Body Decisions, B., Initiation, page 15-23**)

4. Can City Council decisions on the **Final Plan** be appealed to Chancery Court? (**See Article 15, 15.6, G. 1., page 15-17, below**).

TOPIC (5): IMPACT OF DELETING ALL EXISTING PLANNED ZONING DISTRICTS ON HILLSIDE AND RIDGETOP PROTECTION:

ISSUE PRESENTED:

1. The removal of all of the planned zoning districts in the existing zoning ordinance, results in there being no mechanism to enforce the adopted Hillside and Ridgetop Protection Plan.

TOPIC (6): ANIMAL CARE FACILITY-SMALL ANIMAL:

ISSUES PRESENTED: 1. Do the proposed definitions fail to make important distinctions among the various pet services and, therefore, fail to properly address the impact of the various pet

service on neighboring uses? **2.** Should the definitions in the present zoning ordinance, including the definition of "kennel", be restored so that the number of adult dogs allowed to be kept on a residential lot can continue to be limited? **3.** Are the proposed standards adequate?

TOPIC (7): ANCILLARY vs. ACCESSORY USE AND ACCESSORY STRUCTURE:

ISSUES PRESENTED: **1.** Should the definitions used in the existing Knoxville Zoning Ordinance be used in the proposed ordinance?

2. Should "ancillary" structures be included in lot coverage?

3. In Residential Districts, should the footprint of a single, detached Accessory Structure be permitted to be as large as the footprint of the principal building?

4. In a Residential Zoning District, should an Accessory Structure with a footprint as large as the principal building be allowed 5 feet from the property line?

5. Is there a definition of "active agricultural use"?

TOPIC (8): MORE THAN ONE PRINCIPAL USE ON A "SITE":

ISSUES PRESENTED:

1. Define "site."

2. How is more than one principal use on a "site" applied to residential districts?

3. Can a "site" in an RN-1 (existing R-1 and R-1E) zoning district have both a duplex and a single-family home or two single-family homes?

4. Can a "site" have two duplexes in RN-1 and RN-2 zoning districts?

5. Does the proposed language provide for both several single-family dwellings or several duplexes on one lot in one zoning district, while at the same time limiting the principal use to one single-family dwelling or one duplex on one lot in another zoning district?

6. Should the definition of "multi-dwelling development" from the present ordinance be adopted?

TOPIC (9): SPECIAL USE

ISSUES PRESENTED: **1.** What is the role and power of the MPC Commissioners?

2. Should the clearer, more rigorous Approval Standards of the existing zoning ordinance be maintained?

3. Can conditions on "operations" be shown on a site plan, as required?

4. Should the documents that contain the adopted land use policies be cited?

TOPIC (10): ROLE OF LEGALLY-MANDATED ADOPTED COMPREHENSIVE PLAN

ISSUES PRESENTED AND QUESTIONS: **1.** Do the land use standards in various components of the Comprehensive Plan need to be included in the proposed Zoning Ordinance in order to be enforced?

2. Should Low Density Residential, Medium Density Residential and High Density Residential, be defined using the definitions in the One-Year Plan?

TOPIC (11): HEALTH FACILITIES & LIVING FACILITIES:

ISSUE PRESENTED AND REQUEST:

1. It would help the reader to understand and distinguish among the various health facilities and living facilities if they were listed in one location or cross referenced.

TOPIC (12): PERSONAL SERVICE ESTABLISHMENT:

ISSUE PRESENTED:

1. Should "dry cleaners" be limited to "cleaning and pressing collection stations?"
2. Should "commercial laundry/dry cleaning establishments" and "cleaning and pressing collections stations" be defined and listed as a separate use and assigned to appropriate zoning districts?

SUPPLEMENT 1, MAY 10, 2018

TOPIC (1): DWELLING--MANUFACTURED HOME

ISSUES PRESENTED: 1. Why does the proposed definition of "**Dwelling--Manufactured Home**" include references to the HUD Code?

2. Should the term "**mobile home**" be limited to "**single-wide manufactured home**"?
3. Should the proposed **Article 9, 9.2 Use Matrix** be amended so as to clearly show that only "**Multi-Sectional Manufactured Homes**" are permitted as principal uses in the residential districts?
4. Before establishing a policy change that would "**allow all existing single-wide manufactured homes to be replaced in kind.**", **Chapter 25, 25-1**, should be fully reviewed to determine the need for a policy change.
5. How many single-wide manufactured homes exist in Knoxville outside Manufactured Home Parks (Mobile Home Parks)?
6. What is the advantage of allowing Single-Wide Manufactured Homes that are outside of Manufactured Home Parks, to continue forever?
7. Will there be a need for another filing date, as in **Chapter 25, 25-1**, to verify the existence of all single-wide mobile homes outside mobile home parks, as of the adoption date of this proposed zoning ordinance?